IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.32 OF 2006

IN

SUMMARY SUIT NO.3910 OF 2003

Narendra Singh Chaney
M/s.Raghbir Furnishers. ...Plaintiff.

vs.

1.M/s.Hotel Corporation of India Ltd. & ors. ...Defendants.

Mr.M.K.Jain, for Plaintiff.

Ms.Rekha Tawade i/b. M/s.M.V. Kini & Co. for Defendant no.1.

Mr.Naushad Engineer with Chirag Mody i/b. RMG Law Associates.

CORAM: D.K.DESHMUKH,J.

DATED: 26th June, 2006.

P.C.:-

1. I have heard the learned Counsel appearing for both the sides. The question whether the plaintiff has completed the work, whether the bill submitted by the plaintiff was finalised, the question whether a liability to pay to the plaintiff for the work done by him lies still with the defendant no.1 or it is taken over by defendant no.2, are

all disputed questions of facts. On the basis of the material presently on record these questions cannot be decided in the summary jurisdiction. The question whether the liability for the work carried out by the plaintiff and others in relation to the Hotel before taking over of the Hotel by defendant no.2 from defendant no.1 is the matter of dispute between defendant no.2 and defendant no.1 and it is presently pending before the Arbitral Tribunal. Therefore, for this reason also, in my opinion, it will not be appropriate to pass a decree in favour of the plaintiff in summary jurisdiction. The summons for judgment is disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within a period of Eight weeks from today.